IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35764 of 2008
ASHOK MISHRA @ ASHOK KUMAR MISHRA,
Son of Ram Nandan Mishra, Resident of Village- Janta Kanta,
Police Station- Gaighat, District- Muzaffarpur :----- Petitioner.
Versus
STATE OF BIHAR:-------Opposite Party

For the Petitioner :Mr. Sarvadeo Singh, Advocate.
For the Opposite Party : Mr. Nitya Nand Tiwari, A.P.P.

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3. 11.11.2008. Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Sections 302 and 120B of the Penal Code. He is named in the complaint along with four persons alleging murder of Abhishekh Mishra who had land transaction with the petitioner and others named in the complaint on the basis of which a First Information Report was subsequently registered. After investigation police submitted Final Form finding the case to be true under Sections 279 and 304A of the Penal Code as according to the Investigating Agency the deceased died in a truck accident with which petitioner had no concern. Such finding is recorded in the Final Form which is dated 24.08.2008 and is contained in Annexure-6 to the supplementary affidavit filed on behalf of the petitioner. The Final Form was not submitted when the matter was earlier considered by the courts below.

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In the circumstances, I deem it expedient to direct the Sessions Judge, Muzaffarpur to reconsider the prayer of the petitioner for grant of bail in the light of the findings recorded in the Final Form dated 24.08.2008, Annexure-6 to the supplementary affidavit and pass appropriate orders in accordance with law. It goes without saying that if the very allegation of murder has not been found true by the

Investigating Agency then appropriate orders shall be passed by the courts below without being prejudiced by the fact that this Court has not applied its mind to the findings recorded in the Final Form.

(V.N.Sinha,J.)

P.K.P.

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